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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/225,574	01/05/1999	ROBIN TARRY	024730018	2324
7590 07/13/2004 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER 1300 I STREET N.W. WASHINGTON, DC 200053315			EXAMINER MILLER, BENA B	
			ART UNIT 3712	PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/225,574
Filing Date: January 05, 1999
Appellant(s): TARRY ET AL.

MAILED
JUL 13 2004
GROUP 3700

Anthony J. Lombardi
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 28, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 38 and 48 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,184,295	Mann	02/1993
WO 98/25250	Brostedt	12-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 38, 40-42, 46-48, 50, 51 and 54 are rejected under 35 U.S.C. 102(b) as anticipated by Mann. Claims 39, 43-45, 52 and 53 are rejected under 35 U.S.C. 103(a) as unpatentable over Mann in view of Brostedt. This rejection is set forth in a prior Office Action, mailed on 09/29/03.

(11) Response to Argument

The Appellant's first argument is that Mann fails to teach at least "a video controller for receiving the instructional signal and the real-time video signal and combining the received signals to form a composite video signal with an instructional image superimposed onto an image of the user engaged in the activity" and "a first display device displaying the composite video signal to the user in a manner that allows the user to perform the activity while viewing the displayed signal". In response, the Examiner contends that Mann teaches a video for receiving the instructional signal and the real-time video signal (18, col. 8, par. 2-3)". Though Appellant contends that Mann video records the student performing the activity in the past, not in real time, the Examiner also contends that the video recording of the student of Mann is real time. It should be noted that Appellant never claims that the real time is "live". Therefore, while

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the student of Mann is being video recorded, the Examiner contends that performance of the student is video recorded in "real time". While the Examiner is required during examination of a patent application to read claims in light of the specification, the Examiner is not required to read limitations from the specification into the claims. The Appellant contends that Mann fails to teach "combining the received signals to form a composite video signal with an instructional image superimposed onto an image of the user engaged in the activity". The Examiner contends that Mann teaches in col. 13, par. 2-4 and col. 32, par. 4-col. 34, par. 3) "combining the received signals to form a composite video signal with an instructional image superimposed onto an image of the user engaged in the activity". It should be noted that the claims fails to recite the combination of the real time and the composite video signal; therefore, the Examiner is not clear if the real time video signal and composite video signal are claimed as a combination or the real time video signal claimed as a subcombination, only. Further, the Examiner contends that Mann teaches "a first display device displaying the composite video signal to the user in a manner that allows the user to perform the activity while viewing the displayed signal" (25 or 32).

The Appellant second argument is that there is no motivation to combine Brostedt with Mann since Mann teaches away from real-time display due to complex processing operation performed to match an individual performance model to a student's performance; therefore, there is no motivation to combine Brostedt's teaching of a head mounted display. The Examiner contends that Mann does teach real-time display due to complex processing operation performed to match an individual

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performance model to a student's performance in column 15 through column 34 and for the reasons set forth above. The Examiner contends that there is motivation for one of skilled in the art to combine Brostedt with Mann. Brostedt teaches that a video camera is used to record the motion of the instructor. This image is flipped into a mirror image and the mirror image is stored onto a storage medium. A player device plays the reverse image onto video glasses worn by the student. Further, the video camera may be used to capture in real time the image of the student so the student can mimic the instructor (page. 4, par. 3). Therefore, the Examiner contends that obviousness rejection under Mann in view of Brostedt is proper.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Bena Miller
Examiner
Art Unit 3712

bbm
July 8, 2004

Conferees
Bena Miller, Derris Banks and Greg Vidovich



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